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FORT LAUDERDALE CITY COMMISSION
NOVEMBER 7, 2000**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
NOVEMBER 7, 2000**

Meeting was called to order at 6:40 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Gloria F. Katz
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Commissioner Tim Smith
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sgt. Abrahamsen

Invocation was offered by Dr. Diane Mann, Pastor, Fourth Avenue Church of God.

Pledge of Allegiance to the Flag.

Motion made by Commissioner Katz and seconded by Commissioner Smith that the agenda and minutes of the meeting as shown below be approved:

October 17, 2000

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle.
NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

PRESENTATIONS (OB)

1. Smoke Detector Test

Commissioner Moore demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same.

2. Award – Tom Fogan, Beach Patrol Captain

The City Manager presented an award to Tom Fogan, Beach Patrol Captain, for his successful efforts in promoting the values of respect and responsibility in the workplace. He advised that Mr. Fogan had made proactive efforts to promote positive relations in the workplace, in keeping with the Commission's goals. Mr. Fogan said he had only been following the Commission's lead in taking diversity training, and he was honored by this recognition. He also wanted to recognize his fellow workers who treated one another with dignity and respect.

3. Award – Pam Brown, Assistant to the City Commission

Commissioner Katz recognized Ms. Pam Brown, Assistant to the City Commission who, during the last few months, had invested a great deal of time and effort in a special project on her behalf. Ms. Brown said it had been a pleasure to work on this project and for the City Commission.

Consent Agenda (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require detailed review or discussion. Items will be enacted by one motion; if discussion is desired by any Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Walk for the Animals (M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **The Humane Society of Broward County** to indemnify, protect, and hold harmless the City from any liability in connection with **Walk for the Animals** to be held **Saturday, February 24, 2001 from 8:00 a.m. to 1:00 p.m.**; and further authorizing the closing of the following route: beginning at Esplanade and proceeding east on S.W. 2 Street to Andrews Avenue, north to Broward Boulevard, east on Broward Boulevard to S.E. 3 Avenue, south to East Las Olas Boulevard, west to S.E. 1 Avenue, south to the Riverwalk, where the walkers will continue westward to end at Esplanade, from 9:30 a.m. to 11:00 a.m.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1625 from City Manager.

Event Agreement – Holiday Home Tour (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Victoria Park Civic Association** to indemnify, protect, and hold harmless the City from any liability in connection with **Holiday Home Tour** to be held **Saturday and Sunday, December 2 and 3, 2000 from 1:00 p.m. to 6:00 p.m.** in the Victoria Park neighborhood area.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1624 from City Manager.

Event Agreement – Christmas on Las Olas (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Las Olas Association** to indemnify, protect, and hold harmless the City from any liability in connection with **Christmas on Las Olas** to be held **Tuesday, November 28, 2000 from 5:00 p.m. to 10:00 p.m., and the following Saturdays and Sundays from 10:00 a.m. to 10:00 p.m.: December 9 and 10, December 16 and 17, and December 23 and 24, 2000;** further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue, and S.E. 8 Avenue, S.E. 9 Avenue, and S.E. 10 Terrace from East Las Olas Boulevard north and south to the alley on each side, from 12:00 noon to 11:00 p.m. on Tuesday, November 28, 2000; and further authorizing the closing of S.E. 9 Avenue from East Las Olas Boulevard to the alleys on the north and south side, and S.E. 10 Terrace from East Las Olas Boulevard to the alley on the north side, from Saturday at 8:00 a.m. to Sunday at 11:00 p.m. on the weekends listed above.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1606 from City Manager.

Event Agreement – City Link Music Fest..... (M-4)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Old Town at Riverwalk Merchants Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **City Link Music Fest** to be held **Friday, December 8, 2000 from 6:00 p.m. to 11:00 p.m.;** and further authorizing the closing of S.W. 2 Street from S.W. 4 Avenue to S.W. 2 Avenue from 1:00 p.m. Friday, December 8, to 5:00 a.m. Saturday, December 9, 2000.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1607 from City Manager.

**Tripartite Agreement – Performing Arts Center
Authority (PACA) and Broward County – Fiscal Responsibilities for FY 2000/2001** (M-5)

A motion authorizing the proper City officials to execute a tripartite agreement with PACA and Broward County to delineate fiscal responsibilities for FY 2000/2001.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1666 from City Manager.

Disbursement of Funds –**Joint Investigation – O. R. No. 00-6022 - \$3,794.70 U. S. Currency (M-6)**

A motion authorizing the equitable disbursement of funds in the amount of \$223.21 for each of the 17 law enforcement agencies that participated in the seizure.

Recommend: Motion to approve.

Exhibit: Memo No. 00-10-4 from City Attorney.

Disbursement of Funds –**Joint Investigation – O. R. No. 00-15609 - \$52,542.88 U. S. Currency (M-7)**

A motion authorizing the equitable disbursement of funds in the amount of \$3,090.75 for each of the 17 law enforcement agencies that participated in the seizure.

Recommend: Motion to approve.

Exhibit: Memo No. 00-10-5 from City Attorney.

Disbursement of Funds –**Joint Investigation – O. R. No. 99-67288 - \$19,633.73 U. S. Currency (M-8)**

A motion authorizing the equitable disbursement of funds in the amount of \$1,090.76 for each of the 18 law enforcement agencies that participated in the seizure.

Recommend: Motion to approve.

Exhibit: Memo No. 00-10-3 from City Attorney.

Disbursement of Funds –**Joint Investigation – O. R. No. 99-67288 and O.R. No. 99-158000 (M-9)**

A motion authorizing the equitable disbursement of funds in the amount of \$12,187.38 for each of the law enforcement agencies that participated in the seizure.

Recommend: Motion to approve.

Exhibit: Memo No. 00-10-2 from City Attorney.

Office Lease Agreement – Pavi Management, Inc. -**Redevelopment Services and Marine Facilities Office (M-10)**

A motion authorizing the proper City officials to execute a lease agreement with Pavi Management, Inc. for the Redevelopment Services and Marine Facilities administrative office located at 408 South Andrews Avenue for a term of one year, effective December 1, 2000 through November 30, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1656 from City Manager.

**Enterprise Zone (EZ) Loan -
Sixth Street Plaza, Inc. (Maria Freeman and Teresa Jackson) (M-11)**

A motion approving an EZ Loan in the amount of \$147,437.25 to Sixth Street Plaza, Inc.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1566 from City Manager.

**Interagency Agreement and Transfer of Law Enforcement Trust Fund (LETF) -
FY 2000/2001 Youth Motivation Program an Alternative to Suspension (YMP) (M-12)**

A motion authorizing the proper City officials to transfer \$27,000 from the LETF to Fund 29, Miscellaneous Grants, in support of the YMP; and further authorizing the proper City officials to execute all documents necessary to accept YMP funds in the amount of \$367,729 in support of the YMP.

Funds: Department of Community Affairs \$60,000; School Board of Broward County \$41,673 and "Safe Schools" Grant \$119,056; LETF cash match \$27,000; Local Law Enforcement Block Grant \$50,000; and Community Development Block Grant \$50,000.

Recommend: Motion to approve.

Exhibit: Memo No. 00-905 from City Manager.

**Agreement – Jane Carroll,
Supervisor of Elections of Broward County – Pollworker Services
for 2000 Special Municipal Elections, District III City Commissioner (M-13)**

A motion authorizing the proper City officials to execute an agreement with Jane Carroll, Supervisor of Elections of Broward County, to provide pollworker services for the 2000 Special Municipal Elections for District III City Commissioner to be held December 5 and 19, 2000.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1660 from City Clerk.

**Grant and Transfer of
Law Enforcement Trust Fund – The Starting Place, Inc.
(TSP) - Police Referral Outreach Program for FY 2000/2001 (M-14)**

A motion authorizing the proper City officials to execute a grant agreement with TSP and further authorizing the transfer of \$25,000 from LETF to Fund 29, Miscellaneous Grants, in support of the Police Referral Outreach Program.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1496 from City Manager.

Five-Year Capital Improvement Plan (CIP) – FY 2000 through 2005 (M-15)

A motion authorizing the adoption of the five-year Capital Improvement Plan for fiscal years 2000 through 2005.

Funds: See CIP

Recommend: Motion to approve.

Exhibit: Memo No. 00-1361 from City Manager.

**Change Order No. 2 – Florida Environmental Contractors -
Project 10038 – Underground Fuel Storage Tank Facility at Fire Station 54 (M-16)**

A motion authorizing the proper City officials to execute Change Order No. 2 with Florida Environmental Contractors in the amount of \$16,764.15 for additional work on the underground fuel storage tank in Fire Station 54 located at 3200 N.E. 32 Street.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-1439 from City Manager.

**Task Order – Bailey Engineering Consultants -
Project 10307 – Police Gun Range Air Conditioner Replacement (M-17)**

A motion authorizing the proper City officials to execute a Task Order with Bailey Engineering Consultants in the amount of \$34,300 to provide mechanical and electrical design for the Police Gun Range air conditioning replacement project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1446 from City Manager.

**Revocable License Agreement – Regent Bank – Installation of
Fiber Optic Cable – Alley Between S.E. 3 and 4 Avenues/S.E. 11 and 12 Streets (M-18)**

A motion authorizing the proper City officials to execute a revocable license agreement with Regent Bank, under certain terms and conditions, for the installation of fiber optic cable in the alley between S.E. 3 and 4 Avenues and S.E. 11 and 12 Streets.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1436 from City Manager.

**Contract Award – Coral Tech Associates, Inc. -
Project 10146 – Expansion of City Jail Booking Facility (M-19)**

A motion authorizing the proper City officials to execute an agreement with Coral Tech Associates, Inc. in the amount of \$99,800 for the expansion of the City Jail booking facility (two additional cells).

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-1445 from City Manager.

Grant – Broward County – Waste Tire Removal (M-20)

A motion authorizing the proper City officials to accept a grant in the amount of \$9000 from Broward County for waste tire removal; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

Recommend: Motion to approve.

Exhibit: Memo No. 00-1438 from City Manager.

PURCHASING AGENDA

Bid No.	Item/Service	Low Responsible Bidder	Amount
State	Two year agreement for the purchase of miscellaneous supplies Various/Citywide	W.W. Grainger, Inc. Ft. Lauderdale, FL (estimated annual total)	<u>Pur-1</u> \$ 65,000.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1617 from City Manager

Recomm: Award agreement for purchases from vendor in accordance with State of Florida contract discount percentages.

Bid No.	Item/Service	Low Responsible Bidder	Amount
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Personal computer purchase Various Vendors
plan for FY 2000-01
Admin. Serv./Info. Systems

Pur-2
\$ 354,130.00
(estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1608 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve personal computer plan and purchases from Florida State and other competitively bid governmental contracts.

312-8192	Amend current contract to include asbestos abatement PBS/Const. Services	International Salvage, Inc. Davie, FL	<u>Pur-3</u> Unit prices per agreement
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Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1535 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve contract amendment.

202-8368	Three year contract for medical direction services Fire-Rescue	Physician Associates Ft. Lauderdale, FL	<u>Pur-4</u> \$ 50,000.00 (estimated annual total)
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Bids Solicited/Received: 10/1 with 3 no bids

Exhibits: Memorandum No. 00-1526 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award to lowest responsive and responsible bidder.

Bid No.	Item/Service	Low Responsible Bidder	Amount
			<u>Pur-5</u>
712-8386	One year contract for various sports field dressings Parks & Recreation	Crimson Stone Cottondale, AZ Hernandez Trucking (MBE) Miami, FL Matco Stone (WBE) Pompano Beach, FL	\$ 21,487.50 13,054.00 <u>5,504.00</u> \$ 40,045.50

Bids Solicited/Received: 33/5 with 1 no bid

Exhibits: Memorandum No. 00-1538 from City Manager

Recomm: Award to low responsive and responsible bidders.

			<u>Pur-6</u>
712-8385	One year contract for soccer officiating services Parks & Recreation	Lauderdale Soccer Club Ft. Lauderdale, FL	\$ 13,150.00

Bids Solicited/Received: 8/1

Exhibits: Memorandum No. 00-1584 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award to single responsive and responsible bidder.

			<u>Pur-7</u>
Prop	One year contract for computer hardware/ operating system software maintenance agreement Police	NCR Corporation Dayton, OH	\$ 11,241.12

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1559 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

Bid No.	Item/Service	Low Responsible Bidder	Amount
			<u>Pur-8</u>
Prop	One year contract for mobile data system maintenance Police	Motorola, Inc. Schaumburg, IL	\$ 20,970.48

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1580 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

			<u>Pur-9</u>
Broward Co-Op	One year contract for quicklime Public Services (estimated)	Chemical Lime Mulberry, FL	\$1,347,822.00

Bids Solicited/Received: 6/2 with 4 no bids

Exhibits: Memorandum No. 00-1561 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award to low responsive and responsible bidder.

			<u>Pur-10</u>
612-8364	One year contract for color removal polymer Public Services (estimated)	Kemiron, Inc. Bartow, FL	\$ 160,650.00

Bids Solicited/Received: 10/1 with 2 no bids

Exhibits: Memorandum No. 00-1576 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award to single responsive and responsible bidder.

Bid No.	Item/Service	Low Responsible Bidder	Amount
			<u>Pur-11</u>
	Approval of increase in expenditures for EMS medical supplies Fire-Rescue	Broward County Fort Lauderdale, FL	\$ 60,000.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-1604 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve increase in expenditures.

At 6:47 P.M., Commissioner Moore left the meeting.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-4, M-10, M-12, M-13, M-17 and M-18 deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Event Agreement – City Link Music Fest (M-4)

Commissioner Hutchinson asked if people would be entering the establishments or if this event would be held out of doors. She wondered how the “under 21” ordinance would affect the event. Mr. Steve Person, Recreation Superintendent, introduced *Ms. Erickson*, who was hosting the event. She explained that she was working with local establishments, and patrons of the event would purchase wristbands. The wristbands would allow entry into the participating venues, and the event would comply with all City ordinances. Commissioner Hutchinson understood people less than 21 years of age would not be allowed into the bars, and Ms. Erickson agreed that was correct.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M4 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 6:53 P.M., Commissioner Moore returned to the meeting.

**Office Lease Agreement – Pavi Management, Inc. –
Redevelopment Services and Marine Facilities Office (M-10)**

Commissioner Smith asked if this issue had been presented to the Marine Advisory Board. Mr. Chuck Adams, Community Development, replied it had not. Commissioner Smith thought leases were being taken to that Board before presentation to the City Commission. Mr. Adams recalled that policy had related to leases for dock space. Commissioner Smith asked if this was time sensitive, and Mr. Adams replied that the landlord already had another potential tenant for the space. Commissioner Smith preferred the Board's input in this regard.

Mr. Adams explained that the overall Department was scheduled to merge operations with a March target date and, if this space was not available, that schedule could not be met. Mayor Naugle pointed out that there was some office space in this building already, and there was more office space at the Las Olas Marina and Cooley's Landing.

The City Manager **deleted** this item from the Consent Agenda for future presentation.

**Interagency Agreement and Transfer of Law
Enforcement Trust Fund (LETf) – FY 2000/2001 Youth
Motivation Program an Alternative to Suspension (YMP) (M-12)**

Commissioner Smith felt this was a great program, but he thought it should be mandatory. He had spoken to the Chair of the Broward County School Board, who wanted to discuss a pilot program for the high schools during the second half of the year to make it mandatory. The Police Chief agreed with Commissioner Smith wholeheartedly.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item No. M-12 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Agreement – Jane Carroll, Supervisor of Elections of
Broward County – Pollworker Services for 2000
Special Municipal Elections, District III City Commissioner (M-13)**

Mayor Naugle inquired as to the cost of this election. The City Clerk stated that the Supervisor of Elections would not be charging a fee for hiring pollworkers, so the City would pay them directly. She estimated the cost at \$20,000 to \$25,000 per election, with a good portion of that amount paying for pollworkers. She advised that she would provide figures as to pollworker salaries via a Friday memo.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve Consent Agenda Item No. M-13 as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Task Order – Bailey Engineering Consultants –
Project 10307 – Police Gun Range Air Conditioner Replacement (M-17)**

Commissioner Smith asked if this \$34,300 expenditure was for the design of a \$500,000 air conditioning system. Mr. Hector Castro, City Engineer, agreed it was for the complete design of a rather complicated system. He explained that the gun range air conditioning system would be replaced first, and then the police station cooling tower would be replaced. Commissioner Smith inquired about the life span of the system. Mr. Castro expected it to last 15 to 20 years. He advised that the existing system had already been patched, and it might hold together for another year at the most.

Commissioner Smith recalled some discussion about some major moves of some municipal facilities, so he was not sure he wanted to make this investment now in light of possible future changes. The City Manager stated that it would take at least 5 years to implement the master plan for office space, assuming it were approved by the City Commission. Therefore, he believed the City would derive benefit from this investment. Mr. Castro pointed out that the existing ventilation at the gun range was inadequate and did not meet current Code requirements.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item No. M-17 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Revocable License Agreement – Regent Bank –
Installation of Fiber Optic Cable – Alley Between
Southeast 3rd and 4th Avenues/Southeast 11th and 12th Streets (M-18)**

Commissioner Katz understood the City would not be receiving any compensation for the use of its rights-of-way. Mr. Hector Castro, City Engineer, agreed that was true, but the Property & Right-of-Way Committee felt this would be of significant benefit to the community. He stated that this would involve a rather small conduit crossing an alley, as opposed to a main street, and there were no utility conflicts.

Commissioner Katz believed the City charged \$.38 per linear foot for some other right-of-way use. Mr. Castro stated that a fee was generally charged, although this was a little different in that it was revocable and would just allow the connection of two buildings for banking purposes. He stated that the Committee had viewed this situation differently because it would not involve the sale of telecommunications services. Commissioner Katz pointed out that the bank was deriving benefit and felt this should be sent back to the Property & Right-of-Way Committee. Mr. Castro pointed out that the alley was only about 50' wide, so there was little revenue to be gained at the rate of \$.38 a linear foot. As Chairman of the Property & Right-of-Way Committee, Mr. Castro advised this rate could be requested in the future as these agreements were reviewed.

The City Manager believed the bank expansion would increase the City's tax base, so the net benefit to the City was much greater than the \$.38 per linear foot. Commissioner Katz understood there would be a negligible return in this case, but she preferred to seek this revenue in the future.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M18 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

Proposed Speed Humps - Northeast 18th Street Between Dixie Highway and Northeast 8th Avenue (M-21)

A motion was presented approving the installation of speed humps on Northeast 18th Street between Dixie Highway and Northeast 8th Avenue.

Commissioner Katz was concerned about this item because she understood that of 35 surveys, only 16 people supported these speed humps, but all 35 would be charged. Commissioner Smith stated that the 16 who supported the speed humps had collectively agreed to pay the cost without charging those who opposed the installation.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve the installation of speed humps on Northeast 18th Street, between Dixie Highway and Northeast 8th Avenue. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Proposed Lien Settlements for Code Enforcement Board Cases (M-22)

A motion was presented authorizing the settlement of the following Code Enforcement Board cases:

1. 9505596 – Arlene Sue Farber, 1120 N.E. 2 Avenue (\$6,000)
2. CE98060593 – Joel Garcia, 1121 S.W. 22 Terrace (\$4,000) - **DELETED**

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the proposed lien settlements as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

City Commission Request for Review – Continuation of Nonconforming Status - Delmar Auto Repair (Case No. 16-NC-00) (M-23)

A motion was presented to set a public hearing date of December 12, 2000 to review the application for continuation of non-conforming status of an auto repair shop in a B-2 zone (see below). This application was reviewed by the Administrative Review Committee October 2, 2000, and approved October 13, 2000.

Applicant: Delmar Auto Repair
Request: Continuation of nonconforming status
Location: 825 Progresso Drive

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to schedule a public hearing on December 12, 2000 to review the application of Delmar Auto Repair for continuation of nonconforming status of an auto repair shop in a B-2 zone. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Nonprofit Acquisition and Improvement Loan (NAIL) –
100 Black Men of Broward County (M-24)**

A motion was presented authorizing a Nonprofit Acquisition and Improvement Loan (NAIL) for 100 Black Men of Broward County.

Commissioner Katz said she had a lot of questions in this regard, and she had received several communications. She preferred to defer this item to a later date. Mayor Naugle wondered if the matter had been reviewed by any advisory board. Ms. Faye Outlaw, Housing & Community Development Manager, stated that the property had been considered by the CRA Advisory Board, but the NAIL loan had not been addressed.

Ms. Outlaw explained that there were two independent issues involved, with NAIL on the Block Grant side and disposition of the property on the CRA side. Commissioner Moore understood staff was recommending approval of the NAIL loan in the amount of \$350,000, and that the land acquisition be addressed at a later date. Ms. Outlaw agreed that was correct.

The City Manager noted that there were actually three issues involved. One was the award of the NAIL grant, and the second was an issue of fairness related to the ultimate disposition of the property involved. The third issue was the preferred method of developing the property. He asked Ms. Outlaw to outline the steps and alternatives involved to provide the greatest flexibility.

Ms. Outlaw referred to disposition of the property and fairness. It was her understanding that those issues would have to be decided by the Commission sitting as the CRA Board because the property was owned by the CRA. Therefore, those two points need not be considered today. Ms. Outlaw stated that the issue of the NAIL funding for 100 Black Men of Broward County. She explained that if the Commission did not want to fund this program with NAIL funds, she would need the authority to reprogram that money to some other eligible project. However, if they wanted to approve this funding, she desired the discretion to work with 100 Black Men of Broward County to locate another site. Ms. Outlaw explained she was segregating the NAIL funding from the Williams property because the CRA required a 30-day notice process and opened to other agencies.

Commissioner Smith understood there were two good agencies that wanted to locate on Sistrunk Boulevard, and he wanted to accommodate them both somehow. He was not certain he was ready to appropriate the money, but the \$350,000 amount had been based on 100 Black Men of Broward County getting into the Williams property particularly. Ms. Outlaw clarified that there was one agency that wanted to use that property, and there was another agency that had been directed to look at it but would gladly bow out. She believed the other agency could be accommodated through the CRA side of block grant allocations.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve the Nonprofit Acquisition and Improvement Loan (NAIL) for 100 Black Men of Broward County in the amount of up to \$350,000 and to defer the CRA portion of the item related to the Williams property. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Katz. NAYS: Mayor Naugle.

**Transfer of General Fund Contingencies (FY 1999/2000) and
and Lease Agreement – Relocation of Office of Community
and Comprehensive Planning – 400 North Andrews Avenue Building (M-25)**

A motion was presented authorizing the proper City officials to execute a lease agreement for the relocation of the Office of Community and Comprehensive Planning to the 400 North Andrews Avenue building; and further authorizing the transfer \$100,896 from General Fund Contingencies (FY 1999/2000) to PED020101, Office Leases.

Commissioner Moore felt this was too much money. Commissioner Smith agreed and felt leased office space should be scaled back. Mayor Naugle did not support this item either. He noted that the price seemed to increase each year for leased space at two or three times the rate of inflation.

The City Manager understood the Commission wanted the City to stop leasing space, and steps were being taken to address the concern in the short term. He explained that one option had been eliminated in terms of the Post Office, and there were two issues driving the need for reasonable rental space. One involved the fact that construction had to be started on the fire station site and, in order to do that, the Comprehensive Planning Division would have to be relocated for a certain amount of time pending the master plan. The City Manager said that staff had examined various locations, and this had been the best space identified that would meet the schedule.

The City Manager stated that the Equal Employment Opportunity (EEO) Officer could be housed in some space soon to be vacated by a State Representative in the City Parking Garage. However, it was necessary to get staff into some stable, decent space while the master plan was worked out.

Commissioner Moore suggested that this item be deferred to December 12, 2000. In the meantime, he suggested staff examine the Mizell Center. If that was deemed unsuitable, this lease could be reconsidered. He agreed that nothing should be done to delay construction on the fire station site, but the second floor of the Mizell Center contained some space that was not being used to its maximum. Mayor Naugle asked Commissioner Moore if he was willing to meet with staff in this regard, and he agreed he would be happy to do so.

Commissioner Katz had no objection to Commissioner Moore's suggestion, but she pointed out that this space at 400 North Andrews Avenue included electrical, janitorial, and water services. She had been told that the price was not unreasonable under those circumstances. Commissioner Smith believed there was also some leaseable space at about half this cost along the 13th Street corridor. He said he would be willing to work with staff in that respect, too.

Mr. Pete Witschen, Assistant City Manager, stated that one of the challenges at the Mizell Center was that the second floor measured 7,000 square feet, and the offer for this property expired on Friday at 4:00 P.M. However, he would seek a concession on that date from the landlord.

Mayor Naugle advised that this item had been **withdrawn** and would be brought back at a future date, as necessary.

**Vacate a Portion of Northeast 5th Terrace -
Downtown Flagler Village, Ltd. (PZ Case No. 3-P-00) (PH-1)**

At the Planning and Zoning Board regular meeting of June 21, 2000, it was recommended by a vote of 6 to 2 that the following application be approved. Notice of the public hearing was published on October 5 and 12, 2000.

Applicant: Downtown Flagler Village, Ltd.
Request: Vacate a portion of Northeast 5th Terrace
Location: Northeast 5th Terrace between Northeast 5th Street and Northeast 4th Street

Motion made by Commissioner Smith and seconded by Commissioner Moore to defer first reading to November 21, 2000 at 6:00 P.M. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Rezone MHP to CB/Allocate Flexibility/
Site Plan Approval – Henderson Clinic of Broward County/
aka Henderson Mental Health Center, Inc. (PZ Case No. 27-ZR-99) (PH-2)**

At the Planning and Zoning Board regular meeting of September 20, 2000, it was recommended by a vote of 8 to 0 that the following application be approved. Notice of the public hearing was published on October 26 and November 2, 2000.

Applicant: Henderson Clinic of Broward County/aka Henderson Mental Health Center, Inc.
Request: Rezone MHP to CB/allocate flexibility/site plan approval
Location: 330 Southwest 27th Avenue

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that the public hearing be closed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-67

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM MHP TO CB WITH THE ALLOCATION OF FLEXIBILITY, THE SOUTH 450 FEET OF THE NORTH 1530 FEET OF THE WEST 300 FEET OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 42 EAST, LESS THE WEST 30 FEET THEREOF AND LESS THE EAST 145 FEET OF THE NORTH 166.67 FEET THEREOF, LOCATED ON THE EAST SIDE OF SOUTHWEST 27TH AVENUE (RIVERLAND ROAD), SOUTH OF BROWARD BOULEVARD AND NORTH OF SOUTHWEST 4TH COURT, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Moore suggested that the renderings be displayed in the City Hall lobby.

**Rights-of-Way Use Agreement -
Sprint Communications Company L.P.,
a Telecommunications Services Provider (PH-3)**

A public hearing was scheduled to consider an ordinance, pursuant to Sections 8.15 and 8.17 of the City Charter, granting to Sprint Communications Company L.P. the non-exclusive right to occupy the rights-of-way in the City for the placement of telecommunications facilities, and further authorizing the proper City officials to execute a rights-of-way use agreement with Sprint Communications Company L.P. setting forth the terms and conditions of its occupancy of the rights-of-way. Notice of the public hearing was published on October 26 and November 2, 2000.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Smith and seconded by Commissioner Moore that the public hearing be closed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-68

AN ORDINANCE, PURSUANT TO SECTIONS 8.15 AND 8.17 OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING TO SPRINT COMMUNICATIONS COMPANY L.P., THE NON-EXCLUSIVE RIGHT TO OCCUPY THE RIGHTS OF WAY IN THE CITY OF FORT LAUDERDALE FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES, AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RIGHTS OF WAY USE AGREEMENT WITH SPRINT COMMUNICATIONS COMPANY L.P., SETTING FORTH THE TERMS AND CONDITIONS OF ITS OCCUPANCY OF THE RIGHTS OF WAY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Application of Prior Zoning Regulation/B-1 Use
(ULDR Section 47-26A.1) – D & Z Trading Company (PZ Case No. 97-R-00) (O-1)**

At the Planning and Zoning Board regular meeting of August 16, 2000, it was recommended by a vote of 9 to 0 that the following application be approved. Ordinance No. C-00-64 was published on October 5 and 12, 2000, and passed on first reading at the Regular Meeting of October 17, 2000 by a vote of 5 to 0.

Applicant: D & Z Trading Company
Request: Application of prior zoning regulation/B-1 use (ULDR Section 47-26A.1)
Location: 3053 North Ocean Boulevard

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-64

AN ORDINANCE APPROVING THE APPLICATION OF A PRIOR ZONING REGULATION TO PERMIT PROPERTY DESCRIBED AS A PORTION OF LOTS 104, 105, 106, 107, BLOCK 1, "LAUDERDALE BEACH," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT 3053 NORTH OCEAN BOULEVARD ON THE SOUTHWEST CORNER OF THE INTERSECTION OF OAKLAND PARK BOULEVARD AND STATE ROAD A-1-A, WHICH PROPERTY IS ZONED CB, TO PERMIT AN AUTOMATIC CAR WASH AS AN ACCESSORY USE TO AN AUTOMOTIVE SERVICE STATION PURSUANT TO SECTION 47-26.A.1 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amend ULDR Section 47-20.14 –

Lighting of Parking Facilities (PZ Case No. 3-T-00); and

Section 47-20.5 – General Design of Parking Facilities (PZ Case No. 6-T-00) (O-2)

An ordinance was presented amending the Unified Land Development Regulations (ULDR) of the City, amending:

- (1) Section 47-20, "Parking and Loading Requirements," to revise the level of lighting for parking facilities, to restrict glare and illumination onto residentially used properties, to provide for amortization and to revise other sections of the ULDR for consistency with the revisions to Section 47-20. This application was approved at the May 17, 2000 Planning and Zoning Board regular meeting by a vote of 8-0 (PZ Case No. 3-T-00); and
- (2) Section 47-20.5, "General Design of Parking Facilities," to provide widths for access drives and to delete a requirement for a turnaround area for lots with ten (10) spaces or less. This application was approved at the May 17, 2000 Planning and Zoning Board regular meeting by a vote of 9-0 (PZ Case No. 6-T-00).

Ordinance No. C-00-65 was published on October 7, 2000, and passed on first reading at the Regular Meeting of October 17, 2000 by a vote of 4-0.

Commissioner Moore introduced the following ordinance, as revised, on second reading:

ORDINANCE NO. C-00-65

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-20, PARKING AND LOADING REQUIREMENTS, TO REVISE THE LEVEL OF LIGHTING FOR PARKING FACILITIES, TO RESTRICT GLARE AND ILLUMINATION ONTO RESIDENTIALLY USED PROPERTIES, TO PROVIDE FOR AMORTIZATION AND TO REVISE OTHER SECTIONS OF THE ULDR FOR CONSISTENCY WITH THE REVISIONS TO SECTION 47-20; AND AMENDING SECTION 47-20.5, GENERAL DESIGN OF PARKING FACILITIES TO PROVIDE WIDTHS FOR ACCESS DRIVES AND TO DELETE A REQUIREMENT FOR A TURNAROUND AREA FOR LOTS WITH 10 SPACES OR LESS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amend ULDR Section 47-5.60 –

Residential Office Zoning Districts (PZ Case No. 5-T-00) (O-3)

An ordinance was presented amending the Unified Land Development Regulations (ULDR) of the City, amending Section 47-.5.60, "Residential Office Zoning Districts," to revise the regulations for yards, maximum floor area, lot coverage, signs, and height of structures in an ROA zoning district. This application was approved at the May 17, 2000 Planning and Zoning Board regular meeting by a vote of 7 to 2. Ordinance No. C-00-66 was published on October 7, 2000, and passed on first reading at the Regular Meeting of October 17, 2000 by a vote of 5-0.

Mayor Naugle understood this increased the size of buildings in the ROA from 2,500 to 5,000 square feet. Mr. Dan Siff, Office of Community and Comprehensive Planning, agreed that was correct. Mayor Naugle did not have a problem with that, but the result could be "mushroom" buildings with parking on the ground level that contributed little to the adjoining streets. He wondered if architects would take advantage of this, realizing that parking was a limiting factor. Mr. Siff stated that the proposal allowed a maximum height of 35' with a limitation to 2 stories. In theory, he believed someone could provide parking on the ground level with one story above it, but there were also lot coverage standards. Mr. Siff explained that if a structure was 35' tall, it could only cover 30% of the lot.

Mayor Naugle wondered if any language could be added to avoid this problem or if the lot coverage requirements would eliminate the potential for the problem. Mr. Siff advised that some language could be inserted. Commissioner Hutchinson believed there was a building of this nature on 3^d Avenue. Mr. Siff thought it could happen, and language could be developed to address the possibility.

Mr. Chris Wren, Planning & Zoning Manager, thought language could be added to require a façade, or the amount of parking under the building could be prohibited or limited. Since this issue had not been studied, he suggested deferral of second reading. Mayor Naugle felt the ordinance could be approved and something added later after additional study. Commissioner Hutchinson supported the idea, but she did not want the additional study to take a year.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-66

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-5.60, RESIDENTIAL OFFICE ZONING DISTRICTS, TO REVISE THE REGULATIONS FOR YARDS, MAXIMUM FLOOR AREA, LOT COVERAGE, SIGNS AND HEIGHT OF STRUCTURES IN AN ROA ZONING DISTRICT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amend Section 8-76, "Pet Control" – Hours of Canine Beach (O-4)

An ordinance was presented amending Section 8-76, "Pet Control," of the Code of Ordinances to provide that the hours in which dogs are permitted on the portion of the public beach, known as "Canine Beach," shall be as provided in the Parks and Recreation Rules and Regulations. Notice of the proposed ordinance was published on October 28, 2000. (Also see Item R-3 on this Agenda).

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-69

AN ORDINANCE AMENDING SECTION 8-76, PET CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT THE HOURS IN WHICH DOGS ARE PERMITTED ON THE PORTION OF THE PUBLIC BEACH KNOWN AS CANINE BEACH SHALL BE AS PROVIDED IN THE CITY OF FORT LAUDERDALE DEPARTMENT OF PARKS AND RECREATION RULES AND REGULATIONS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amend Ordinance No. C-94-22 – City Contribution for Medical Insurance Coverage for Nonbargaining Unit (Confidential) General Employees (O-5)

An ordinance was presented amending Ordinance No. C-94-22 pertaining to the City contribution for medical insurance coverage for nonbargaining unit Confidential general employees in order to adjust the apportionment of the payment by the City and the employee for the purchase of medical and dental insurance, and providing for participation in the Wellness Incentive Program. Notice of the proposed ordinance was published on October 28, 2000.

Commissioner Moore inquired as to the third party administrator. Mr. Scott Denham, Risk Manager, stated that it was USA Benefits Group. Commissioner Moore said this company had not served him well, and he was concerned about services to the employees. Mr. Denham advised that he was aware of the circumstances, and he had become personally involved. Commissioner Moore was even more concerned when this issue had involved a Commissioner and the Risk Manager. He wondered how other employees would be treated.

Mr. Denham stated that when 3,000 to 4,000 individuals were transferred from one plan to another, there were errors. Mayor Naugle wondered what type of problems occurred. Mr. Denham said many problems had been traced back to electronic enrollment files. He explained that this was a massive project, and he believed the error rate had been less than 10%. Mayor Naugle understood Mr. Denham was satisfied with the performance in light of the magnitude of the effort. Mr. Denham thought there had been certain instances in which there had been delays in processing some bills. There had also been some problems with the prescription plan during the transition due to a glitch in the enrollment system in Pittsburgh. He felt the work had been done reasonably well for a transition period, and the enrollment process was now being double checked.

Mayor Naugle asked if there were still individuals who had not been paid or reimbursed for expenses incurred. Mr. Denham thought most had been addressed. He advised that problems could usually be corrected within 24 hours, although there had been difficulties. However, his small staff had been able to resolve 99% of the problems.

Commissioner Moore felt first impressions were lasting, and he had been perplexed about how he had been personally treated. If a Commissioner could be treated poorly, he was concerned about the rest of the employees.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-70

AN ORDINANCE AMENDING ORDINANCE NO. C-94-22 PERTAINING TO THE CITY CONTRIBUTION FOR MEDICAL INSURANCE COVERAGE FOR NON-BARGAINING UNIT CONFIDENTIAL GENERAL EMPLOYEES IN ORDER TO ADJUST THE APPORTIONMENT OF THE PAYMENT BY THE CITY AND THE EMPLOYEE FOR THE PURCHASE OF MEDICAL AND DENTAL INSURANCE, AND PROVIDING FOR PARTICIPATION IN THE WELLNESS INCENTIVE PROGRAM.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Annexation of Property – Prospect Wellfield (Old Texaco Gas Station Site) (O-6)

An ordinance was **withdrawn** from the agenda annexing to the City a parcel of real property known as the Prospect Wellfield located at the northeast corner of Prospect Road and State Road 7 (U.S. 441). Notice of the proposed ordinance was published on October 28, 2000.

**Annexation of Property –
Konover Property on Broward Boulevard, West of Interstate 95 (O-7)**

An ordinance was **withdrawn** annexing to the City a parcel of real property known as the Konover Property located on the north side of West Broward Boulevard between I-95 and N.W. 27 Avenue. Notice of the proposed ordinance was published on October 28, 2000.

Downtown Development Authority (DDA)**Budget and Millage Rate for FY 2000/2001 (R-1)**

A resolution was presented approving the DDA's FY 2000/2001 budget and millage rates for operations and debt service.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-157

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, LEVYING AN AD VALOREM TAX FOR FISCAL YEAR 2000/2001 ON BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CHAPTER 69-1056, LAWS OF FLORIDA, SPECIAL ACTS OF 1969.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Performing Arts Center Authority (PACA) Budget for FY 2000/2001 (R-2)

A resolution was presented approving the PACA budget for FY 2000/2001.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-158

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE BUDGET OF THE PERFORMING ARTS CENTER AUTHORITY FOR FISCAL YEAR 2000/2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amendment to Parks and Recreation Rules and Regulations –**Kite Flying on the Beach and Add Fridays to Days Canine Beach is Open..... (R-3)**

A resolution was presented amending the Parks and Recreation Rules and Regulations to amend Section 4.0, "Nuisances" to add Fridays to the days that Canine Beach is open and to change the hours to 3:00 p.m. to 7:00 p.m. during Eastern Standard Time; and to further amend Section 7.0, "Beach Regulations" to eliminate the prohibition of kite flying on the beach. (Also see Item O-4 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-159

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE DEPARTMENT OF PARKS AND RECREATION RULES AND REGULATIONS TO ADD FRIDAY TO THOSE DAYS IN WHICH DOGS ARE PERMITTED AT CANINE BEACH; TO AMEND THE TIME OF DAY IN WHICH CANINE BEACH IS OPEN; AND TO ADD KITE FLYING IN DESIGNATED AREAS AS A PERMISSIBLE BEACH ACTIVITY.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Acceptance of Various Instruments of Conveyance..... (R-4)

A resolution was presented accepting various instruments of conveyance.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-160

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING CERTAIN INSTRUMENTS OF CONVEYANCE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 7:41 P.M., Commissioner Hutchinson left the meeting. She returned at 7:43 P.M.

Site Plan Review – RAC-CC – Smith Property Holdings, Inc./ Las Olas Tower, L.L.C. – River House (PZ Case No. 111-R-00) (R-5)

At the Development Review Committee meeting of July 22, 2000, the following application was reviewed:

Applicant:	Smith Property Holdings, Inc./Las Olas Tower, L.L.C.
Request:	Site plan review – RAC-CC
Location:	405 Southeast 2nd Avenue

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Mr. Chris Barton, Development Services, stated that the applicant proposed to build a 280-unit condominium building in 3 towers at a site on the New River, fronting on Riverwalk. He stated that included a small, 4,500-square-foot café and a 35,000-square-foot spa and health club. Mr. Barton advised that 456 parking spaces would be provided, although they were not required, and it met all the setback requirements and other criteria along the New River and Riverwalk.

Mr. Barton noted that there had been a minor mistake in the setback table distributed with staff's report. He stated that the the numbers had been transposed in the last item on page 2, and the minimum required setback was 5'. He advised that the parking garage would be set back 7', and the spa setback was 17', but those two numbers had been transposed in the table.

Mr. Barton stated that this project was part of the New River Center FQD, dating back to the mid-1980s. It would be the only Florida Quality Development in Fort Lauderdale, and this was the second phase under a development order issued in 1989. It had since been amended in 1993, 1996, and 1997, and the site allowed up to 375 residential units, while 280 units were proposed. Mr. Barton noted that a model and some renderings had been displayed, and staff felt this particular project met all the requirements of the ULDR. Nevertheless, a series of conditions had been included in staff's report pertaining to minor architectural details and a 7' sidewalks out to Las Olas Boulevard, landscaping and screening of the north façade, a valet parking agreement for the café, and approval of the City Engineer for development of a median cut in Southeast 2nd Avenue. In addition, a fountain area was proposed in a small roundabout in the roadway, and the project would be incorporated into the existing Riverwalk. Mr. Barton reported that the site plan had been reviewed by the DRC on July 22, 2000, and staff had found it met ULDR requirements.

Mr. Donald Hall, Attorney representing the applicant, introduced *Ms. Courtney Callahan* and *Ms. Heidi Davis*. He distributed some informational booklets and felt Mr. Barton had done a good job of outlining staff's technical review. Mr. Hall thought it was important to note that this project had been reviewed extensively, and it had been designed by *Mr. Charles Sieger*, who was here with his partner, *Mr. Jose Suarez*, to answer any questions about the building itself. *Mr. Richard Zipes*, the developer, was also present if the Commission had any questions for him.

Mr. Hall understood the owner of the Sun Sentinel building opposed this project for reasons he considered unfathomable. He wanted the record to reflect that the record of this evening's hearing should consist of the staff report, the City Code sections referenced in the staff report, the Florida Quality Development Orders adopted for this project, the applications for development approval and supplements submitted in support of those applications, the informational booklet just distributed, and the testimony and exhibits that would be presented this evening.

Mr. Hall stated that a FQD was the highest level of a Statewide, regional permitting process known as the Development of Regional Impact Permitting Process. The then-owner of the Sun Sentinel building, the Tribune, had submitted this property for FQD review and obtained that approval. The original approval had been for 1 million square feet of office, a 400-room hotel, and 35,000 square feet of retail space. He advised that as the development progressed and the Sun Sentinel building constructed, 300 dwelling units were proposed instead. Mr. Hall said the square footage had been reduced in 1996 and 1998 when the development orders had been amended, and 375 dwelling units were allowed now. However, only 280 units were proposed, and office space had been reduced to ensure the traffic levels would remain in balance.

Mr. Hall reported that a detailed traffic study had been performed, and adding residential units while reducing office space, reduced average daily trips. In addition, the ingress and egress pattern that complemented the office uses. He noted that the Downtown Development Authority (DDA) and the Riverwalk Board had submitted letters supporting this project after a full review. Mr. Hall was particularly gratified by the letter received from the Riverwalk Board because that Board had recognized the work the architects had done in designing a building that complimented the River and Riverwalk and even enhanced it. He pointed out that the building stepped back from the water, and the first residential tower of approximately 297' stepped back to the two main towers. Therefore, the Riverwalk itself would be greatly expanded at the developer's expense with an interactive fountain feature.

Mr. Hall said there would be a café on the eastern portion of the property and, on the western side, would be a 30,000-square-foot spa and health club. He felt it was a dramatic building of all glass incorporating a climbing wall. Mr. Hall stated that the building itself had been designed to "pull" Riverwalk into the building with the landscaping and meandering walkway. In addition, the lobby and the health club had been designed with the same idea in mind. Mr. Hall said that this project exceeded the required setbacks, ranging from 70' to 80' along the River.

Mr. Hall advised that the subject property sat as close to the middle of the RAC-CC zoning district as any property could, and he thought it was the perfect location for this grand, signature building. He had some computer-generated photographs prepared of the future building with various skyline views.

Mr. Don Lenny, representing the owner of the Sun Sentinel Building, Invesco Realty Advisors, was not opposed to the general concept of allowing some development on the subject property or the concept of up to 300 residential dwelling units. He felt the Commission should, however, take a hard look at it and not rush to judgment in approving the application. Mr. Lenny thought it was interesting that both staff and Mr. Hall believed this project met standards, but many of the standards were subjective and within the province of the Commission and not necessarily staff.

Mr. Lenny referred to the new ordinance adopted on October 17, 2000. It had been designed to give the Commission back control over high-rise development of this nature so its impacts could be carefully evaluated and not just approved at the staff level. He understood the new ordinance allowed for 5,100 dwelling units within the RAC-CC zoning district, and the density was assigned at the time of site plan approval. He wondered how many of those units had already been allocated and how many remained.

Mr. Lenny said Subsection J of the new ordinance provided that development plans with less than the setbacks required would be reviewed as to the location, size, height, design, character, ground floor utilization, access and circulation for vehicles and pedestrians, streets, open space, relationship to adjacent property, proximity to the New River, and other facts conducive to development and preservation of high quality in the Downtown Regional Activity Center District. The ordinance also provided that no approval would be granted unless a determination was made that the setbacks conformed with all provisions of the ULDR; that the safety and convenience of the public were properly provided for; and, that adequate protection and separation were provided for contiguous property and other property in the vicinity.

At 8:05 P.M., Commissioner Moore left the meeting. He returned 8:08 P.M.

Mr. Lenny referred to safety and convenience. He had noticed a memorandum from Mark Pallans, which stated that this site plan would adversely impact public safety radio communications in the future. It had indicated that the combined effects of building construction in Fort Lauderdale was having an adverse impact on the performance of public radio systems used by the Fire-Rescue and Police Departments. The memorandum had also stated that the cost of mitigating impacts on the City's radio system had to be borne by the developer and, due to the severity of the impacts, the mitigation costs might be substantial.

Mr. Lenny felt this was a public safety issue that the City Commission was permitted to consider, and he inquired about the status of this matter. He wondered if the developer had objected to providing mitigation to preserve public safety. Mr. Lenny was also concerned about the height of the building affecting the radar operations at the Airport. He wondered if the FAA had approved the height and, if not, he felt the City Commission should defer this item until that had been done.

Mr. Lenny said that the third criteria contained in the new ordinance for approving any setback less than required was that adequate protection and separation be provided for contiguous property and other property in the vicinity. He pointed out that included the Sun Sentinel building, and he wanted to ensure the tenants of the building were safe and police and fire communications preserved. Mr. Lenny wanted to make sure this building would not create any adverse impacts on the Sun Sentinel building.

Mr. Lenny understood that a request had been made for a traffic study, and no traffic study for this particular project had been provided. He wanted to make a distinction because he was not referring to road capacity. Mr. Lenny did not believe that was an issue, but he was concerned about turning movements. He wanted to ensure the traffic circulation and access to the site had been studied, and he wondered if a traffic circulation and pedestrian safety study had been submitted as required by the Code.

Mr. Lenny noted that the staff report had not mentioned the plat agreement for this property, as recorded in the public records, for phasing installation of required road improvements. He advised that the agreement required that prior to issuance of a Certificate of Occupancy, an eastbound right turn lane on Las Olas Boulevard at Southeast 2nd Avenue be installed. He had not seen any staff comment in this regard.

Mr. Lenny felt the City Commission and the DRC could not carefully evaluate the traffic circulation impacts of this site without a traffic study. He noted that FAU had submitted a traffic study in connection with a request to close Southeast 2nd Avenue, which request had been denied. Mr. Lenny provided copies of that traffic study. He pointed out that page 10 indicated there were movement and intersection delays at Southeast 2nd Avenue at Las Olas Boulevard, and the traffic would operate at Service Level F, which was below standard, by 2004. He pointed out that this study had not taken new developments into consideration such as the Las Olas River Residence, which could still traffic onto Southeast 2nd Avenue. In addition, there were college kids immediately north of this property. He pointed out that college kids had the highest automobile insurance rates, and there was a reason for that, and he wanted to make sure these movements were studied to ensure safety.

Mr. Lenny did not think it was appropriate to say that this property was vested under the FQD order for roadway capacity, and nothing more was needed. He pointed out it was the Commission's responsibility to ensure roads were safe, and staff should not "close their eyes" to safety issues. Mr. Lenny wanted these safety issues studied.

Mr. Lenny said another concern was the relationship of this building to surrounding property. He stated that an exhibit had been provided behind "tab 2." It related to shadows, and he advised that all of the shadows from the buildings seemed to point to the southeast except for the Sun Sentinel building, which had been cut out of the shadow and was shown as "unaffected." Mr. Lenny had asked the developer of this project whether or not a shadow study had been submitted to the City, but he had received no response and did not know if a study had been performed. He wondered if this building would create a shadow on the Sun Sentinel building.

Mr. Lenny pointed out that the new ordinance specifically provided that design, height, size, and character of a building would be examined, and these were subjective requirements. He noted that Sec. 47-13.20 contained most of the RAC-CC zoning regulations, and 47-24 contained a chart indicating that any use within this zoning district on the New River, which deviated from New River Corridor requirements, had to undergo a neighborhood compatibility review.

Mr. Lenny believed this project was subject to certain requirements because it was located within 100' of the River along a pedestrian priority street. He advised there was a building frontage setback requirement with respect to pedestrian priority streets of a minimum of 75% of the linear frontage being occupied by a ground floor building wall located 10' from the property line. *Mr. Adolfo Catilla*, a consultant retained by Mr. Lenny, stated that this development did not meet the standard just mentioned. He felt it was a concern.

Mr. Lenny referred to Sheet A-2 of the project site plan. He asked Mr. Catilla to explain what the "built to" line would require of a structure in this location. Mr. Catilla replied it would displace the water feature in the public water plaza and increase the area of the proposed building. Based on his review of the plans, Mr. Catilla did not believe this project met the 10' "built to" setback, although it met or exceeded the other setback requirements. Mr. Lenny pointed out that this deficiency triggered a neighborhood compatibility review under Section 47-25.3 A.3(e)(i)(a). Mr. Catilla did not feel this project would be compatible with the character and integrity of adjacent neighborhoods.

Mr. Lenny stated that there was a critical difference between a "built to" requirement and a setback requirement. He advised that a "built to" requirement called for a building to be placed a certain distance from a property line, while a setback requirement called for a building to be a certain distance from a property line but that distance could be increased at the election of the developer.

It was Mr. Lenny's position that there were subjective evaluations for the Commission to make under the Code. He appreciated the adoption of this ordinance to allow Commission review of projects, and he did not think there was any question that this building would have significant impact on the downtown area. Mr. Lenny agreed this would be a beautiful building, but he was very concerned about its height, its relationship to the Sun Sentinel, and the safety of traffic and pedestrians. He felt FAA approval should be required along with a commitment from the developer that emergency radio communications would not be adversely affected.

Mr. Scott Miller, Development Review Coordinator, referred to Table 1 under Sec. 47-24. He believed Mr. Lenny had mentioned Item 33, which he felt triggered the neighborhood compatibility requirements. Unfortunately, Item 33 did not apply to this project because it did not seek any deviation from the New River Waterfront Corridor provisions. In fact, it exceeded the 60' minimum setback from the New River, and it met all the other provisions as well.

Mr. Miller said that Items 10 and 13 of Table 1 did apply to this project, which triggered adequacy requirements to be met. Those were standard provisions that applied to all DRC level proposals, and staff had determined that all adequacy requirements had been met of Section 47-25.2. Mr. Miller noted that some of the neighborhood compatibility issues were applicable by virtue of the ordinance adopted on October 17, 2000, dealing with the character, height, ground floor utilization, design, size, etc. However, staff believed that this building was appropriate for this location. He pointed out that it was quite a distance from adjacent buildings and certainly not inappropriate in an urban environment.

Commissioner Smith inquired about the distance between this and the Sun Sentinel building, and Mr. Miller believed it was well over 150'. Mr. Miller acknowledged that this building would shadow the Sun Sentinel building during parts of the year, particularly in the winter during late afternoon. He noted that there was a significant shadow provision that applied to properties on the south side of the River, but this site was on the north side. Mr. Miller agreed the provision was somewhat subjective, but staff did not feel a shadow that affected a non-residential building during late afternoons in the winter, in the downtown area, was an adverse impact on adjoining property.

Mr. Miller noted that Mr. Lenny had raised the "build to" line. He wished to point out that the Code did not refer to a "build to" line. Rather, there was a building frontage setback requirement, but it did not imply that there had to be a 10' setback for 75% of the linear frontage. He explained that Item 2 under the same section of the Code referred to general step back and setback requirements on page 196. Mr. Miller said this was a general section that contained some exemptions and caveats, including the fact that an increase above the 10' might be required for pedestrian amenities like public plazas or landscaping, as approved by the DRC. He felt this building had all of those elements, and staff felt it was appropriate to increase the setback above 10', while Mr. Lenny was suggesting the building should actually be closer to the River.

Mr. Miller explained that this provision had been included in the Code specifically to allow this type of flexibility when warranted. In this case, staff believed the increased setback to allow space for pedestrian amenities was an important element, particularly as to promoting interaction with Riverwalk. Mr. Miller advised that staff had examined the traffic issue and, because of the FQD status of the project, staff found additional traffic review was unnecessary. He explained that an extensive traffic study had been performed at the time the Development Order was approved, and this project was in conformity with the Development Order. Further, this was a residential project, which resulted in different peak hours than those generated by an office development. Therefore, this project would be significantly less intense in terms of traffic than what could be allowed under the current Development Order.

Commissioner Smith inquired as to the number of flex units available. Mr. Miller replied that he was awaiting some final figures, but the number of available units was between 1,200 and 1,500. He pointed out that over the last month or two, there had been a significant increase in the number of units proposed, but they had not yet been allocated by virtue of site plan approval. Commissioner Smith understood there would be 1,200 to 1,500 units available after allocation of the units for this project, and Mr. Miller agreed that was correct.

Commissioner Smith inquired about FAA approval. Mr. Miller advised that staff was awaiting a final determination from the FAA on that issue, but building permits would not be issued until the FAA had issued an advisory opinion indicating that the building was not a hazard. Commissioner Smith asked Mr. Miller to address the concern about emergency communications. Mr. Miller reported that there was a condition recommended by staff dealing with the City's internal information systems. He acknowledged the report from Mr. Pallans and advised that the developer was obligated to mitigate any and all impacts as approved by the City's Information Systems Director.

Mr. Lenny asked if a shadow study had been submitted to the City. Mr. Miller replied in the negative. Mr. Lenny objected to Mr. Miller's statements about the possible shadow impacts, therefore, and felt the Commission should require a shadow study. He noted that Mr. Miller had indicated traffic was not an issue, but he wondered when the Commission had last approved the FQD development order amendment. Mr. Miller did not know. Mr. Barton stated that the last amendment occurred in October, 1997, and traffic had been considered. However, an annual status report dated June, 1999 to June, 2000 had been filed, and the section pertaining to transportation conditions included a statement that certain conditions had been eliminated, probably because many of the transportation requirements had already been constructed.

Mr. Barton stated that the only outstanding transportation issue involved the payment of the remainder of the infrastructure improvement or impact fees of \$337,000. Of that, approximately \$100,000 had been paid, and \$25,000 was about to be paid as required on an annual basis, leaving \$212,000 remaining to be paid for infrastructure improvements. Mr. Lenny said his question pertained to when the traffic had last been studied under the development order. Mr. Barton replied that it had been studied in 1997.

Mr. Lenny requested that the traffic be studied again given the extensive redevelopment that had occurred since 1997. He was particularly concerned about pedestrian safety. He felt Mr. Miller had made a legal interpretation of the Code, and he thought that removed from the Commission its discretion to consider the subjective standards in Section 47-25.3. Mr. Lenny believed a plain reading of the Code strained that interpretation. He asked that the City Commission require further review of this project.

Mr. Jerry Sternstein, Executive Director of the DDA, reported that the DDA had adopted a resolution supporting this project.

Mr. Tom Vogel, Fort Lauderdale Riverwalk, Inc. Board of Directors, believed this project was compatible with Riverwalk and that the designers had done an excellent job of tying into the Riverwalk with pedestrian access. In fact, he felt this was exactly the kind of development desired. Mr. Vogel stated that the neighbor at One River Plaza would be honored to be shadowed by this project.

Mr. Hall thought much had been said about very little. He stated that this project complied with the Code in every respect, and the interpretation offered by Mr. Miller was shared by the Zoning Administrator, who was charged with making such interpretations. Mr. Hall did not think this project needed further explanation. He acknowledged that an FAA clearance letter would be necessary, and that application had already been filed in accordance with the prescribed process. Mr. Hall stated that he had received a letter from Mr. Pallans late last week, which had indicated that his review was almost complete, and he would let the developer know what obligation existed. He pointed out that building permits could not be issued until both of these requirements were satisfied.

Mr. Hall thought the idea of delaying this project for another traffic study was silly. He pointed out that there had been numerous studies conducted, and adding dwelling units reduced average daily trips and greatly reduced conflicting peak hour trips. In fact, there would be a net benefit to neighboring office buildings, including the Sun Sentinel building. He also pointed out that the development order mandated certain access points, which could not be changed by anyone except the Florida Department of Community Affairs. Mr. Hall was proud of this project and hoped the Commission would agree.

Mr. Richard Zipes, applicant, was disconcerted that Mr. Lenny objected to the project and had taken the Commission to task. He advised that he had been in the real estate business for 41 years and had built high-rise buildings throughout the country in urban areas. Mr. Zipes acknowledged that there were always certain impacts, but this particular site impacted very little, and he had gone to great lengths to ensure the impacts would be positive, specifically as to Riverwalk. Mr. Zipes felt the only thing missing from the area was residential units, and he thought this building would be a legacy for Fort Lauderdale. He thought those who did not like this building would not like any building on this site.

Commissioner Hutchinson felt the designers had done a wonderful job. She thought this would be a beautiful building, and she liked how it would interact with Riverwalk. Commissioner Hutchinson said there had been a project presented to the Commission a few weeks ago, and she'd had concerns about the height as it related to buildings in the surrounding area. She had the same concern about the height in this case.

Commissioner Katz said one of the things that she had learned during the Design Seminar last week was that one had to examine a project in its totality. She did not want buildings that were all the same height, and everyone agreed that if there were going to be tall buildings, they should be located in the downtown area. It was also agreed that the downtown area needed residential units. Commissioner Katz felt this project filled the bill, and she supported it.

Mayor Naugle said the reason he could support this project was that complaints were being received throughout the City about buildings towering over areas where it was not appropriate, such as some of the condominium buildings in the central beach area. He pointed out that the downtown area had always allowed taller buildings, provided that the height was tapered down as the surrounding residential areas were approached, with the highest buildings in the center. Mayor Naugle noted that this building would cast its shadow to the north, rather than over Riverwalk. He also recalled that a shadow study had not been required when the Sun Sentinel building had been constructed even though it completely shadowed the building across the street. Mayor Naugle thought that if the City was going to be stringent about tall buildings where they were not appropriate, it had to recognize that the downtown area was the appropriate place for this type of development.

Commissioner Smith inquired about the mass transit impact fee. Mr. Hall advised that issue had been addressed in the development order. He believed the amount had been \$437,000, and it could go to any use the City chose.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-161

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN TO DEVELOP A RESIDENTIAL COMPLEX ON THE NEW RIVER, LOCATED ALONG THE NORTH SIDE OF NEW RIVER BETWEEN S.E. 1ST AVENUE AND S.E. 2ND AVENUE, FORT LAUDERDALE, FLORIDA IN A RAC-CC ZONING DISTRICT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Demolition of Buildings (R-6)

At the September 21, 2000 meeting of the Unsafe Structures and Housing Appeals Board, it was recommended that the City demolish the following buildings and assess the properties with costs:

- (1) 226 Southwest 16th Court
- (2) 504 Southeast 15th Street - DELETED
- (3) 731 Northwest 10th Terrace
- (4) 920 Northwest 2nd Avenue
- (5) 3812 Southwest 13th Court (CBS Building)
- (6) 3812 Southwest 13th Court, Trailer No. 5 - DELETED
- (7) 3812 Southwest 13th Court, Trailer No. 7 - DELETED
- (8) 3812 Southwest 13th Court, Trailer No. 12
- (9) 3812 Southwest 13th Court, Trailer No. 14 - DELETED

Ms. Lori Milano, Community Inspections Bureau, pointed out that Items 2, 6, 7, and 9 had been deleted. She advised that the building at 504 Southeast 15th Street had already been demolished by the owner, and Trailer Nos. 5, 7 and 14 had been removed from the property at 3812 Southwest 13th Court.

Commissioner Smith expected to see the building located at Broward Boulevard and Federal Highway on the list for demolition today. Mr. Milano advised that it had been presented to the Unsafe Structures & Housing Appeals Board, but notification requirements had to be fulfilled before it was presented to the Commission. She expected it to be presented early in December.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-162

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA ORDERING THE DEMOLITION OF THE BUILDING OR BUILDINGS UPON EACH PROPERTY LEGALLY DESCRIBED IN THE ATTACHED SCHEDULE "A," BECAUSE OF NON-COMPLIANCE WITH THE SOUTH FLORIDA BUILDING CODE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Age of Patrons (OB)

An ordinance was presented amending Chapter 5 of the Code of Ordinances to create Section 5.36, entitled "Patron Age Restrictions," in order to prohibit persons under the age of 21 from entering or remaining within alcoholic beverage establishments, by providing for a definition of "bona fide restaurant," an optional process for establishments seeking to utilize the bona fide restaurant exemption, and a special master appeal process relating to determination of bona fide restaurant status by the City.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-73

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING SECTION 5-36, ENTITLED "PATRON AGE RESTRICTIONS," PROHIBITING PERSONS UNDER THE AGE OF 21 FROM ENTERING OR REMAINING, OR FROM BEING PERMITTED TO ENTER OR REMAIN, WITHIN ALCOHOLIC BEVERAGE ESTABLISHMENTS, BY PROVIDING FOR A DEFINITION OF "BONA FIDE RESTAURANT," AN OPTIONAL PROCESS FOR ESTABLISHMENTS SEEKING TO UTILIZE THE BONA FIDE RESTAURANT EXEMPTION TO OBTAIN A DETERMINATION OF THEIR STATUS FROM THE CITY, AND A SPECIAL MASTER APPEAL PROCESS RELATING TO DETERMINATION OF BONA FIDE RESTAURANT STATUS BY THE CITY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Permanent Road Closure – Southwest 26th Street at Southwest 8th Avenue (OB)

As discussed during the Conference Meeting, a motion was presented approving the permanent closure of Southwest 26th Street, at Southwest 8th Avenue, provided the proposed development proceeds and the developer incurred all costs related to the closure.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve the permanent closure of Southwest 26th Street, at Southwest 8th Avenue, provided the proposed development proceeds and the developer incurred all costs related to the closure. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Citrus Canker – Support Special Session of the State Legislature..... (OB)

A resolution was presented supporting the Broward Legislative Delegation in its efforts to encourage the Governor to call a special session of the Legislature to address issues arising out of the citrus canker eradication program administered by the Department of Agriculture and Consumer Affairs.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-163

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE BROWARD LEGISLATIVE DELEGATION IN ITS EFFORTS TO ENCOURAGE THE GOVERNOR TO CALL A SPECIAL SESSION OF THE LEGISLATURE TO ADDRESS ISSUES ARISING OUT OF THE CITRUS CANCER ERADICATION PROGRAM ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

City Commission Request for Review –

Site Plan Approval/Yard Modification/Conditional Use/RMH-60 –

L'Ambiance Beach Ltd. c/o Morris Richter (PZ Case No. 91-R-00)..... (OB)

A motion was presented to set a public hearing date of December 12, 2000 to review the following application, which was approved by the Planning and Zoning Board on October 18, 2000 by a vote of 8 to 1.

Applicant: L'Ambiance Beach Ltd. c/o Morris Richter
Request: Site Plan Approval/Yard Modification/Conditional Use/RMH-60
Location: 4240 Galt Ocean Drive

Motion made by Commissioner Moore and seconded by Commissioner Katz to schedule a public hearing for December 12, 2000 to review the Site Plan Approval/Yard Modification/Conditional Use/RMH-60 for L'Ambiance Beach Ltd. c/o Morris Richter. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

City Manager, City Attorney and City Clerk – Compensation (OB)

As discussed in Conference, resolutions were presented increasing the compensation paid to the City Manager, the City Attorney, and the City Clerk. Mayor Naugle inquired as to the salary increase being offered to management and confidential employees. The City Manager replied it was 2.5%. Mayor Naugle inquired as to the dollar amount associated with the proposed increase for the City Clerk. Commissioner Moore recalled that the Commission had supported the 2.5% increase as well as the change in management category. Mayor Naugle said he was curious about the dollar amount as compared to the \$30,000 increase being offered to the City Manager.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR AN INCREASE IN THE COMPENSATION PAID TO CITY ATTORNEY, DENNIS E. LYLES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR AN INCREASE IN THE COMPENSATION PAID TO CITY MANAGER, FLOYD T. JOHNSON AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EMPLOYMENT CONTRACT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

The City Manager reported that with the 2.5% salary increase and the car allowance increase for the City Clerk totaled \$3,331.10.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR AN INCREASE IN THE COMPENSATION PAID TO CITY CLERK, LUCY MASLIAH.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 9:10 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

ATTEST:

Lucy Masliah
City Clerk